

BUTTON WINS OUT; MANDAMUS ISSUED

The Supreme Court of Appeals Sustains Act of the Assembly.

"SHOW US THE LAW AND IT SUFFICETH US"

To Say the Commissioners—Order of Court Served and Colonel Button Will Be Sworn in as Insurance Commissioner To-Day.

The Supreme Court of Appeals settled the case of Button against the State Corporation Commission, in which Colonel Joseph Button prayed for a mandamus requiring the commission to swear him in as Commissioner of Insurance, and as such the head of the Department of Insurance of the State government, and settled it in favor of the act of the Legislature creating the office of Insurance Commissioner. After this action there was nothing else to do but to issue a writ of mandamus requiring the State Corporation Commission to carry out the law by performing the duties required of them by the act—that is to swear in Colonel Button as Insurance Commissioner.

Quite a number of lawyers and others were in the Supreme Court room at 10 o'clock yesterday morning, the hour named for the meeting of the court, but it was twenty minutes later before the judges filed in and took their seats.

Short and to the Point.

The record of the proceedings of the day before having been read by the clerk and signed by the President of the court, Judge Keith announced the receipt of several petitions and then said: "In the case that was argued yesterday the court is of the opinion that the act of the Legislature is constitutional and the writ of mandamus will issue. The full opinion of the court will be handed down later." The court then took a recess until the afternoon.

The afternoon session was devoted simply to the signing of the records, and when this was completed the special term adjourned. The full opinion in the Button case will probably be read at the special term of the court that will be held in Staunton, beginning September 4th.

The Court's Order.

About 2 o'clock in the afternoon the following document was handed to Chairman Crump, of the Corporation Commission:

Virginia:

At a special session of the Supreme Court of Appeals, held at the Library building, in the city of Richmond, on Wednesday, the 1st day of August, 1906.

Joseph Button, petitioner,

against

The State Corporation Commission, respondent.

Upon a petition by Joseph Button for a writ of mandamus to compel the State Corporation Commission of Virginia to administer the proper oaths and fix the form of and approve the proper bond received of said petitioner, and allow a qualification as Commissioner of Insurance:

This day came the parties, by counsel, and the court having maturely considered the petition of the plaintiff and exhibits filed therewith, the demurrer and answer of the respondent, and arguments of counsel, is of opinion for reasons hereafter to be stated in writing and filed with the record, that the act of the General Assembly of Virginia, entitled "an act concerning the bureau of insurance, guarantee, trust, indemnity, fidelity, security, and fraternal benefit companies, associations, societies and orders, and imposing penalties for its violation," approved March 9, 1905, is constitutional and valid, and that a writ of mandamus should issue, and the qualification of the petitioner, Joseph Button, and allow him to qualify as Commissioner of Insurance of Virginia.

It is further ordered that the service of a copy of this order upon the said respondent, the State Corporation Commission, shall have the same effect as service of a peremptory writ of mandamus.

A copy—Teste:

(Signed)

A. STEWART JONES, C. C.

Show Us the Law.

Soon after the above paper, which was the first official notice the commission received of the action of the court, had been read by Judge Crump and Messrs. Stewart and Willard, a Times-Dispatch man asked the commissioners, "What now?"

"Show us the law and it sufficeth us," said Judge Crump. Mr. Stewart replied, "We always obey the law of the land." "We always obey the law of the land," said the Times-Dispatch man, "but this morning that the commission is ready to swear him in and approve his bond. This ceremony will probably be performed about 11 o'clock, and he and Clerk J. N. Brennenman will at once open up the offices of the Insurance Department in the first floor of the Capitol that were several weeks ago prepared and put in order for that purpose.

It is said that there is quite a volume of business already in waiting for the attention of the Insurance Commissioner. Several insurance companies, fire and life, are ready, willing and anxious to open up agencies and commence business in Virginia, but have been awaiting the outcome of the proceedings in the Button case, so that they might know "where they are at."

Button and Brennenman Happy.

As soon as the decision of the court was announced, several friends of Commissioner Button and Clerk Jake Brennenman hurried to their office in the Senate

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MAY BECOME COLONEL OF THE 70TH REGIMENT



SUCCESSOR TO COL. ANDERSON

Speculation Ripe as to Who Will Be Appointed in His Place.

CAPT. SKIPWITH MENTIONED

Friends Think His Chances Are Very Favorable—Would Make Fine Commandant.

In view of the reported resignation of Colonel George Wayne Anderson as colonel of the Seventeenth Regiment, speculation is ripe as to his probable successor. It is said by those in close touch with the military situation that the friends of Captain George N. Skipwith, who is now on the retired list, will urge his election. Captain Skipwith has a brilliant record as an officer, and is personally popular with the officers throughout the State.

The colonel is elected by the votes of the captains and lieutenants of companies of the regiment, neither the staff nor field officers having votes. Of the twelve companies, of which the regiment is composed, five are located in Richmond and the other seven in Farmville, Lynchburg, Danville, Charlottesville, Alexandria, Fredericksburg and Staunton. It is probable that a number of officers from these out-of-town companies will be favorable to him, while the adherence of the Richmond contingent is assured. While he has not indicated to any one in a public manner his desires in this matter, it is believed by those close to him that he would be willing to accept the place provided the office came to him in a proper manner.

Captain Skipwith enlisted in the Virginia volunteers in Company "C," fourteen years ago, in 1891; was elected first lieutenant of his company in 1895; captain in 1903. He served in the Spanish war as first lieutenant, Company "H," Second Virginia Regiment, his company being so known during that war. He has been with his company on every occasion in which it has been called out to act in aid of the civil authorities, from the time of Coxe's army to the trial of Henry Willis at Roanoke, and on every engagement up to and including Basic City of last year. He resigned as captain last January and was placed on the retired list in accordance with law. It is probable that in his long service he has acquired a fund of experience hardly equalled by that of any officer in the State, being known as a very strict disciplinarian, a capable tactician and knowing everything about administration, besides being thoroughly versed in military law.

Besides Captain Skipwith, there is mention of Major Martin of Danville, and Captain R. E. Craighill, of Lynchburg, and Lieutenant-Colonel Perry.

SPORADIC CASES OF CHOLERA DEVELOP IN MADRID

(By Associated Press.)

MADRID, August 1.—Several sporadic cases of cholera have been discovered here, and have caused considerable alarm. The disease is attributed to contaminated water. A committee on hygiene has been organized to take immediate and active steps to prevent the spread of the disease. A number of suspected wells have been ordered closed.

JOSEPH SMITH KILLED BY ACCIDENTAL SHOT

Meagre Information Received of the Tragedy—Well-Known and Popular Youth.

Information was received in this city last night that Joseph L. Smith was accidentally killed by being shot near Covington, Va., where he was engaged with a contracting firm in construction work for the Chesapeake and Ohio Railway, and died at 1 o'clock yesterday. No particulars could be gotten last night concerning the accident.

The news of the untimely death of this bright and promising lad will be a great shock to the wide circle of friends of both his late father and of his mother's family. Joe was the only son of the late Joseph L. Smith, for years connected with the house of McCadams and Berry, and of Ollie Evans Smith, who resides at Wilmington, Fluvanna county. He was just fifteen years of age. In addition to his mother, he is survived by four sisters—Misses Annie, Katie, and Ella, of this city, and Sallie, of Fluvanna county. He was a grandson of the late Colonel Thomas J. Evans.

MISS GERTRUDE SKELTON WINS

In the Finest Exhibition of Jumping Ever Seen in a Virginia Ring.

HORSES SHOWN OF A HIGH CLASS

A Large Crowd Braved the Threatening Weather to Witness the Events, Which Were Declared the Best Ever Seen in State.

(Special From a Staff Correspondent.)
CHARLOTTESVILLE, VA., August 1.—The sixth annual exhibition of the Albemarle Horse Show Association opened here to-day, before a crowd that numbered between two and three thousand. Despite the weather the events were well contested and the performances were excellent.

There are 106 exhibitors, making 463 entries in 51 classes. The judges are Messrs. John Spratler, of New York; H. C. Beattie, of Richmond; W. J. Carter, of Manchester; Dorsey Williams, of Baltimore; James Kerr, of Washington; P. H. O'Bannon, of Clarke county; and Robert Mason, of Washington.

The novelty event was a jump class known as the "Infant Class" for young horses, which was won by the Oaks Farm, "David Grey." In good style. Later in the day this same horse was awarded the blue, after having fallen at the third jump and rolled with his rider in the mud.

Never, perhaps in a show ring has an award been made to a horse that fell.

The Merchants' Cup jump class was won by Mr. David Dunlop's Confidence, excellently ridden by Mr. Fleet Galloway, known as "The Husky Hibernian."

Mr. Carl Notting, of Richmond, won the coach station event, and Master Thomas Rivers Potts received the award in the pony harness class. Mr. A. Randolph Howard's hackney stallion, Patriot, won over Messrs. Andrews and Sons' Balbriggan, and Mr. Arthur White's thoroughbred stallion, Chiswick, annexed the blue over Burlington, owned by J. E. Lane.

The funny class furnished perhaps the best exhibition of jumping ever seen in a Virginia show ring. The ladies' hunter class, well contested, was finally won by Teacote, ridden by Miss Gertrude Skelton, of Richmond. Light weight hunters

had four clear performances, but the award went to Mrs. Blair Johnson's good and safe jumper, "The Favorite," who hit the fence.

A Great Show.

The show was perhaps the best that has been seen in the State this season, for the horses shown were of high class, no matter how the rains were placed.

Lady Riders.

Among the ladies who rode were Mrs. Blair Johnson, of Warrenton; Mrs. O. K. Marshall; Mrs. Henderson, of Millwood; Mrs. Allen Potts, of Castle Hill; Miss Kreitzer, of Richmond; Miss P. W. of Warrenton; Miss Lemon, Miss Maury and Miss Magruder, of Charlottesville.

The principal winners were: The Oaks Farm, blues, 3 reds, 1 yellow, 2 whites; A. Randolph Howard, 2 blues, 3 reds, 1 yellow; Mrs. Allen Potts, 2 blues, 2 reds, 2 yellows and 1 white; Danville, 2 blues, 2 yellows and 2 whites; Garber & Garber, 2 blues, 1 yellow; Mr. and Mrs. Blair Johnson, 1 blue, 6 reds.

All Good Ones.

In the middle and heavy-weight hunter class there were five clear performances, the blue going to Mr. O. K. Marshall.

The hunters and jumpers' class brought out ten made clear performances and then jumping off began. Mr. Dunlop's Navajo won the \$100 prize, while Mrs. Blair Johnson had to send her "The Favorite" over twenty-four jumps before he won the red.

In the dark-hack class the Oak Farm's Irish Rose defeated Robin Adair, and in the combination class the same place was secured by "Radiant."

Messrs. Garber & Garber's "Spur" was placed first in the heavy harness class, while Excellence, belonging to the same stable, only got third, a decision which caused some comment.

At 1 o'clock before the four-in-hand class was awarded to Messrs. Herling & Metzler's team, and the day's exhibition was over.

The morning's summary follows:

Thoroughbred Stallions—(1) Chiswick, Arthur White; (2) Burlington, J. E. Lane. Thoroughbred Colts—(1) Superstition, Wilton Chamberlain; (2) Merry Countess, George B. Goodwin.

Half-Bred Colts—(1) Bright Boy, Mrs. Allen Potts; (2) Colt, Robie Woods; (3) Phyllis, N. H. Goodwin.

Colts Suitable to Become Hunters—(1) Red Star, J. S. Stark; (2) Touchwood, Rhodes & Kurtz; (3) Frank Kenner.

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DISSOLVE ICE TRUST TO AVOID PROSECUTION

Manufacturers in Jacksonville Promise to Dissolve Delivery Company.

(By Associated Press.)

JACKSONVILLE, FLA., August 1.—Prosecution of the alleged Ice Trust came to an end to-day by the ice manufacturers entering into an agreement with the prosecuting attorney whereby they promise to at once dissolve the Jacksonville Ice Delivery Company, the alleged combination of manufacturers in restraint of trade, and the giving of a written guaranty that they will sell ice to consumers at greatly reduced prices, the maximum being twenty-five cents for one hundred pounds. The pending case is continued with the understanding that it shall be pushed if the ice managers break this agreement.

COULD NOT PREPARE THE GOVERNMENT'S CASE IN TIME

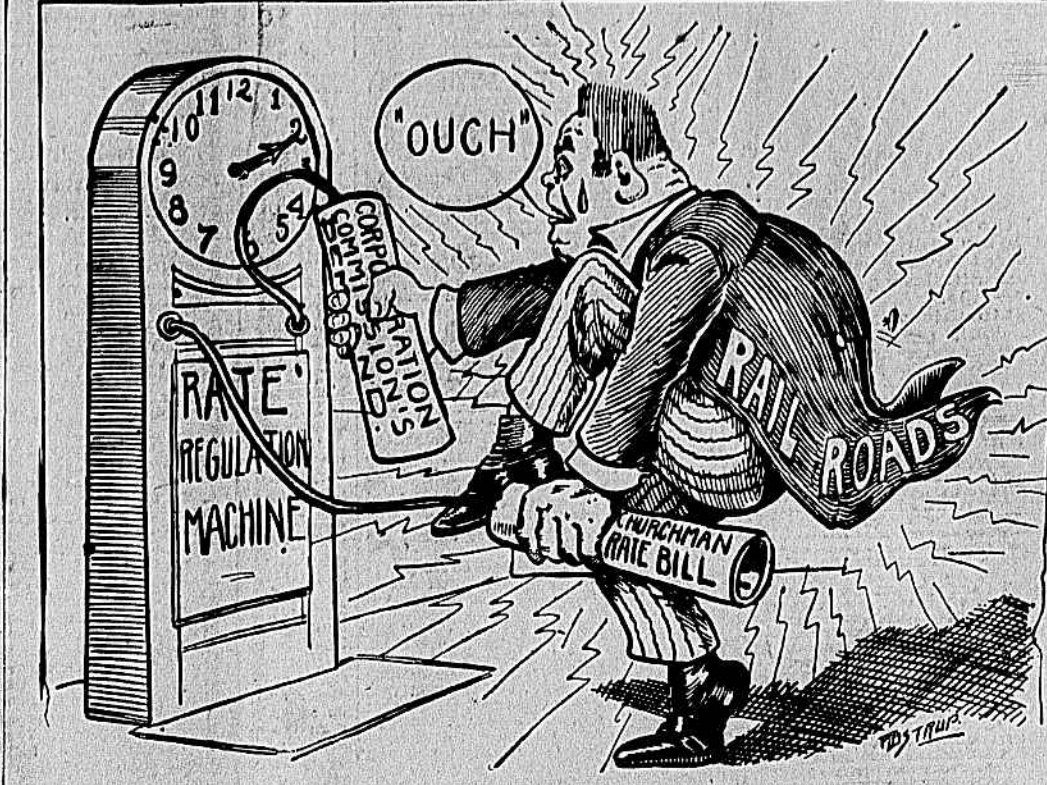
(By Associated Press.)

CHICAGO, August 1.—Arguments in the case of the United States government against Oberlin M. Carter, formerly captain in the United States army, by which the government is endeavoring to obtain about \$3,000,000, which, it is charged, Carter fraudulently obtained during his military service, were today postponed until August 28th. Special Counsel Marion Erwin, for the government, sought the continuance because of his inability to prepare his case in time for the trial.

PLANS ARE ADOPTED FOR MARYLAND BUILDING

(Special to The Times-Dispatch.)

BALTIMORE, MD., August 1.—At a meeting to-day of the Maryland Commission to the Jamestown Exposition plans for the State building were adopted. The plans call for a modification and extension of the design of a typical colonial building of Maryland with plenty of porches and with accommodations for a large number of guests. The main feature of the building is a reproduction of the Senate chamber at Annapolis.



ANOTHER WAY TO GET 2-CENT RATE

State Corporation Commission's Official Notice to Railways is Being Freely Discussed.

CHURCHMAN ACT NOT IN IT

Commission Has the Law It Needs and Bookers' Resolution for Encouragement.

The official notice of the State Corporation Commission to the railways, published in yesterday's Times-Dispatch, that the commission proposes to promulgate a flat two-cent rate for all manner of passenger transportation in this State, regardless of anything that has been done or may be done concerning the Churchman two-cent a mile act, has attracted no little attention.

It was all the talk around and about the T. P. A. headquarters yesterday and last night. It has always been understood that the T. P. A. men were behind the Churchman act and all other acts looking to a two-cent passenger rate in this and other States. They had never hoped for a flat rate at two cents per mile, and all of their efforts have been in the direction of mileage books, or, in other words, a kind of two-cent rate at wholesale.

A few days ago when the Corporation Commission declared the Churchman act unconstitutional a prominent T. P. A. man and official said to the Times-Dispatch: "Well, all right, let it go at that. We have accomplished something anyhow. We have shown that the people want the two-cent rate and that the railways can afford it. It is up to the next Legislature to make a law that will give the constitutional test." Yesterday the same man said: "Well, we are getting there sooner than I had thought."

The Commission's Position.

In holding that the Churchman act was unconstitutional the Corporation Commission never in any way hinted or intimated that a two-cent passenger rate had been sought to get at it in an improper manner and by the wrong route.

At the last session of the Legislature the Booker resolution, offered by Mr. Booker of Halifax, was passed, and this resolution requested the Corporation Commission to order and put in force a straight two-cent per mile rate on all railways in the State. The commission in issuing the notice referred to is acting under the general law and may be to a certain extent influenced by the Booker resolution, but anyhow it is in no way taking into consideration the Churchman act, which it believes to be unconstitutional, and which only provides for mileage tickets at a two-cent rate.

The commission proposes to promulgate a flat two-cent rate for any and all kinds of railway tickets, and the notice published requires the railways to come to court on the first day of next November and show cause, if any, why a flat two-cent rate shall not be put into effect.

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COUNCIL OF WAR ON CHICKAMAUGA FIELD

This Time It Was to Decide the Movements of Troops in Times of Peace.

(By Associated Press.)

CHATTANOOGA, TENN., August 1.—A council of war was held last night on the historic battlefield of Chickamauga, but this time it was to decide the movement of troops in time of peace.

Four regiments of infantry—the Seventeenth United States, Seventy-first Virginia, Third South Carolina, and Second Alabama—to-day marched as near the eastern edge of the military reservation as possible, each under the supervision of two regular officers. Supposed to be nearing an enemy, a strong advance guard was thrown out, in accordance with technical rules.

This afternoon the process was reversed, the commands marching in retreat, protected by a rear guard, the cavalry engaged in screening and reconnoitering duty. The artillery took the field, and the engineers engaged in camp construction. All this work is leading up to a "battle" on Friday.

FALL THAT MAY COST MAN'S LIFE

James M. Mills Tumbles Sixteen Feet and is Seriously, Perhaps Fatally, Injured.

MORTAR-BOARD TIPPED OVER

The Carpenter, While Going for a Saw, is Precipitated to Ground Below.

Mr. James M. Mills, a carpenter in the employ of Mr. W. A. Chesterman, general contractor, fell sixteen feet in the building at No. 817 East Broad Street yesterday morning, and sustained injuries that may result in his death. His skull was fractured at the base, and he received several injuries on the body, the arms, and the legs.

At the Retreat for the Sick last night Mr. Mills' condition was reported as being favorable. He is being treated by Drs. E. J. Mosley, senior and junior. For a while he was conscious last evening, and his wife is constantly at his side.

Mr. Mills, who lives at No. 2084, South Pine Street, was engaged as a carpenter in the rebuilding of the Tragic drug store building, on Broad Street. Foreman Dickson asked him to bring a saw to him, and he had to go sixteen feet above the street level to get it.

Board Tilted With Him.

Stepping upon a mortar board, which tilted, the man was precipitated sixteen feet to the floor. He whirled in the air, striking a joist, and partially breaking the fall. On the ground he landed on his neck and shoulders, and lay unconscious. Blood was oozing from his mouth and ears when fellow-workmen rushed to his side.

A hurry call was sent for the ambulance. It happened, however, that Dr. R. L. Huggins, who had been a witness in the Police Court, was driving up Broad Street in the ambulance, and he treated the injured man at once. Such remedies as could be given were given, and Mr. Mills was taken to the Retreat for the Sick.

It was shortly after 10 o'clock when the accident occurred, and a few hours later the injured man was taken to the hospital, his wife came to see him. She sat at his bedside, and had to be carried from the room.

After being revived from the first shock Mrs. Mills insisted that her family physician, Dr. E. J. Mosley, attend her husband, and her request was granted. The Drs. Mosley, father and son, attended, and left the patient resting well at a late hour last night.

Dr. Mosley said that every hour was better for his patient, and that he believed Mr. Mills would recover.

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THE REAL LORD WAS ARRESTED

While Looking for the Suprius, Sholto Douglass, Son of Marquis Taken in Custody.

HOPES RAISED IN ASHEVILLE

The Arrest the Result of Information Supplied Chief Bernard from England.

(Special to The Times-Dispatch.)
PORTLAND, ME., August 1.—Arrested on suspicion that he was a bogus Lord Douglass, who is wanted all over the United States for bigamy, and in Asheville, N. C., for forgery, and for whom rewards aggregating \$1,700 are offered, the real Lord George Sholto Douglass, brother to the Marquis of Queensbury, spent all last night and to-day in a cell in the Portland police station. To-night he feels pretty good about the matter, and has been in conference with British Vice-Consul Keating, and may bring a suit against the Cumberland county authorities for false arrest.

Yesterday afternoon Police Inspector Prithi, of Portland, acting on an outside tip, and accompanied by Deputy Sheriff Moulton, went to Sebago Lake, a secluded fishing and summer resort, fifteen miles from Portland, and arrested Lord Douglass, with his wife and young son, occupied a cottage at the Lake. Lord Douglass had not revealed his identity to any of his neighbors, and he and his wife were simply known as Mr. and Mrs. G. N. Douglass.

When arrested "Lord Douglass" would make no statement at all, beyond the fact that his name was Douglass, and quietly went with the officers to Portland, remarking simply, "Boremost; you will have to prove your charges against me."

His description so fitted the man wanted that the authorities thought they were sure of their man, however, and looked the nobleman in a graced cell, that is a little larger than the others, and kept especially for prisoners of special distinction.

To-day Lady Douglass visited her husband and brought him magazines and flowers. She was very much excited, referred to the arrest as a "horrible indignity," and talked with an English accent, despite the fact she was born Miss Mooney, of Oakland, Cal.

To-night Lord Douglass is still held, not as a suspected bogus lord, but merely that the authorities may investigate his record a little and be sure that they are not being flim-flammed.

He was offered apartments at a fashionable hotel to-night, but surprised the police somewhat by refusing. "I'm not at all uncomfortable here, my good fellow."

(Continued on Third Page.)

MUTINEERS SURRENDER SAYS REPORT

Ammunition Reported to Have Been Destroyed by an Explosion.

HOIST WHITE FLAG ON ONE OF ISLANDS

Fire From Battleship Slava and Another Warship had Effect.

THE TELEGRAPH OFFICE UNDER HEAVY GUARD

Armed Men Occupy Telegraph Office and Surrounding Buildings at St. Petersburg to Prevent Communication With the Interior Being Cut.

HELINGSFORS, August 2—1:30 A. M.—It was rumored at a late hour last night that the Sveaborg mutineers had surrendered.

HELINGSFORS, August 1—8 P. M.—The cannonade at Sveaborg continued during all the afternoon. The powder magazine in the possession of the insurgents has exploded. It is impossible to determine how this will affect the mutiny.

ST. PETERSBURG, August 1—5:55 P. M.—The telegraph office of St. Petersburg and surrounding buildings were occupied by detachments of guards just before midnight to-night. The authorities evidently fear a general attempt to cut communication between the capital and the interior.

(By Associated Press.)

VIBORG, Aug. 1.—It is reported here that the Russian fleet stationed at Hangö, Finland, has mutinied, imprisoned the officers, and sailed to the assistance of the mutineers at Sveaborg.

HELINGSFORS, August 1.—The fight for possession of the fortifications here was resumed this morning, and firing was in progress until a late hour to-night. The result is not definitely known. The latest reports, however, state that the mutineers have surrendered after having had their ammunition destroyed by an explosion.

The white flag has been hoisted on one of the islands, but it is premature to say whether the revolutionaries there have surrendered or not. In any event, however, the fire from the battleship Slava and another warship undoubtedly had its effect.

Except in the vicinity of the fort, the town presents practically a normal aspect. During the evening large crowds assembled on the quays listening to the cannonade and watching the dense columns of smoke rising from the islands. All traffic in the harbor has been prohibited.

After nightfall the governor issued an order closing all public houses.

Regular traffic has been resumed with St. Petersburg, the railroad bridge between Riihimäki and Ryttylä, which was blown up by members of the "Red Guard," having been repaired. Prior to the blowing up of this bridge members of the "Red Guard" seized the Fredericksburg station and stopped the St. Petersburg mail train.

During the afternoon a boat put out from Sveaborg and was bombarded. The occupants, who were members of the "Red Guard," were taken into custody.

The telegraph building here has been damaged, and the barracks and cathedral have been badly damaged by the fire of eleven-inch guns. The numbers of wounded and killed have probably been over-estimated.

There was a panic all day long yesterday among the inhabitants on the island of the island of Hangö, owing to the fall of many bullets and shells, which caused a number of casualties, both on the islands and in the city. A man sitting on the veranda of the Yacht Club was mortally wounded and a servant girl was killed.

Rumor of Surrender.

August 2—5:40 A. M.—A rumor of the surrender of the entire mutinous force at Sveaborg was brought over to Helsinki by the postmaster at Sveaborg. It is impossible to confirm this rumor here. The fire from the cruisers has seriously damaged the fortifications. There has been no firing for the last two hours.

The mutineers have failed in their efforts to secure provisions.

The Alva, another cruiser, has arrived, and is at present engaged in bombarding the mutinous battery on Sveaborg Island. It is rumored that the revolutionists on one of the islands have raised the white flag. It is impossible to communicate with the islands.

Some excitement has been caused in town by the arrest of several members of the Red Guard and other revolutionists.

Battleships Saved Day.

HELINGSFORS, Aug. 2.—12:50 A. M.—The latest news from the fortress tends to confirm the previous report that the mutineers have surrendered.

The mutineers undoubtedly had the upper hand until the battleship Slava and another warship arrived on the scene and commenced to bombard them, with such telling effect that the central magazine was blown up, and the biggest gun in

WILL PAY PENSIONS TO ITS PROFESSORS

Randolph-Macon Woman's Accepted by the Carnegie Foundation.

(Special to The Times-Dispatch.)
LYNCHBURG, VA., August 1.—The Carnegie Foundation for the Advancement of Teaching has officially notified Dr. W. W. Smith, president of Randolph-Macon Woman's College, that the latter measures up to its collegiate standards, and has voted to place it upon the permanent list of institutions entitled to receive pensions for their professors, being the only one in the South of forty-seven institutions in the United States so far chosen.

Croton Oil in Whiskey.

(By Associated Press.)
JACKSONVILLE, FLA., August 1.—Thomas Callaway and Fred. Allers, employed at a livery stable, are in a dying condition by drinking whiskey given to them by Arthur Kane, an employee of a brewery. Kane has been arrested.

Investigation shows that a quantity of croton oil was mixed with the whiskey. What prompted the act is not known.